IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY

TWO THIOUSAND AND FOUR

PRESENT

THE HON'BLEL MR JUSTICE S.ANANDA REDDY

WRITPETITIONNO.7522 OF 2004

Between:

A.Suryanarayana, s/o Brahmaiah, aged 58 years,

Occ: Govt. Employee, R/o 1S-13, Erramanzil Colony,

Hyderabad. …PETITIONER

AND

1. The Dy.Commissioner of Police, Detection Division,
   Central Crime Station, Govt. of Andhra Pradesh,
   Hyderabad.
2. Bharat Scouts & Guides, Andhra Pradesh,
   Domalguda Hyderabad, rep. By State Secretary.
3. Bharat Scouts & Guides, A Society Registered under Societies
   Regn. Act, 1860, having its H.Q. Laxmi Mazumdar Bhavan,
   No.16, Mahatma Gandhi Marg, Indraprastha Estate,
   New Delhi- 110 062.
4. Smt. Shalini Mishra, IAS, Member of the Two Men Committee,
   Bharat Scouts & Guides, Domalguda, Hyderabad.
   … RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly, one in the nature of writ of Mandamus, declaring the action of the second respondent in lodging a complaint with the first respondent and the consequential threat of the first respondent to arrest me is arbitrary, illegal, unjust, contrary to law, without the authority of law, colourable exercise of power actuated by mala fides on the part of the fourth respondent and the decision of the fourth respondent to arrest me is contrary to the ratio laid down by the Apex Court in 1992 Suppl. (1) SCC 222, 1994 (4) 260 and issue the consequential direction not to take any decision on the basis of the complaint dt.30.12.2003 lodged with the first respondent herein.

For the petitioner: Mr.K.R.Prabhakar, Advocate.

For the respondent No.1: GP for Home

For the respondents No.2 to 4

The Court at the admission stage made the following:

O R D E R:

This writ petition is filed, seeking declaration that the action of the second respondent in lodging a complaint with the first respondent and the consequential threat of the first respondent to arrest the petitioner, arbitrary, illegal and contrary to law, and therefore, sought for a direction not to take any decision on the basis of complaint dated 30-12-2003 lodged with the first respondent.

Though this writ petition is filed in the month of April 2004, it is being adjourned at the request of the counsel and had undergone five adjournments. When this Court rejected the adjournment, it is represented that the petitioner was already arrested in view of the complaint lodged and he was even enlarged on bail.

In view of the above, as the complaint lodged against the petitioner is being considered and investigated by the respondents, this Court is not inclined to go into the merits of the allegations made in the complaint.

Hence, this writ petition is accordingly dismissed, as devoid of merits. No costs.

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05th July, 2004.

Bsb/Va

To

1. The Deputy Commissioner of Police,
   Detection Division, Central Crime Station,
   Govt. of Andhra Pradesh, Hyderabad.

2. The State Secretary, Bharat Scouts & Guides,
   Andhra Pradesh, Domalguda, Hyderabad.

3. Bharat Scouts & Guides, A Society registered
   Under Societies Regn. Act, 1860, having its
   H.Q: Laxmi Mazumdar Bhavan, No.16,
   Mahatma Gandhi Marg, Indraprastha Estate,
   New Delhi – 110 062.

4. The Member of the Two Men Committee,
Bharat Scouts & Guides, Domalguda, Hyderabad.

5. Two CCs to Government Pleader for Home, High Court of A.P., Hyderabad (OUT), High Court Buildings, Hyderabad.

6. Two CD copies.